

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Helmut Horst Mauer,

Civil No. 08-4996 (RHK/JJG)

Petitioner,

ORDER

v.

State of Minnesota,

Respondent.

Before the Court are Petitioner's Objections to the August 3, 2009 Report and Recommendation of Magistrate Judge Jeanne J. Graham, in which she has recommended the denial of the pending Petition for a Writ of Habeas Corpus.

The undersigned has reviewed de novo the Report and Recommendation and Petitioner's Objections thereto. That review establishes that Judge Graham carefully and exhaustively reviewed the record before her, was cognizant of and applied controlling legal principles, and reached the only conclusion justified by the record before her.

Accordingly, and upon all the files, records and proceedings herein, **IT IS**

ORDERED:

1. Petitioner's Objections (Doc. No. 22) are **OVERRULED**;
2. The Report and Recommendation (Doc. No. 21) is **ADOPTED**;
3. Petitioner's application for a writ of habeas corpus under 28 U.S.C. § 2254, (Doc. No. 1) is **DENIED**; and

4. This action is **DISMISSED WITH PREJUDICE**.

Dated: September 14, 2009

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge